

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-15-678
-vs-)	
)	DECISION
NICOLE PRIDE PAITSON,)	
)	
Defendant.)	

September 16, 2016, the District Court sentenced the Defendant to a commitment to the Department of Corrections for a term of ten (10) years, with five (5) years suspended, for the offense of Count I: Issuing a Bad Check by Common Scheme, a Felony, in violation of §45-6-316(3), MCA. The Court granted the Defendant credit for time served in the amount of two hundred two (202) days. The Court recommended to the Department of Corrections that the Defendant be screened for Elkhorn Treatment Center and upon successful completion of treatment at Elkhorn, the Defendant be placed in a pre-release program. Restitution was ordered in the amount of \$2,015.

On April 6, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by video conferencing from the Broadwater County courthouse and was represented by Brent Getty, of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

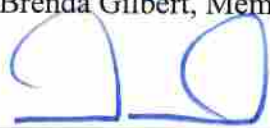
Done in open Court this 6th day of April, 2018.

DATED this 23 day of APRIL, 2018.

SENTENCE REVIEW DIVISION

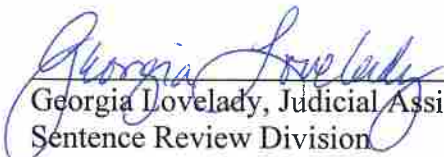

Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Dan Wilson, Member

Copies mailed this 3rd day
of May, 2018, to:

Clerk of District Court (Original)
Nicole Pride Paitson #2061154, Defendant (2)
Hon. Karen S. Townsend
Brent Getty, Defense Counsel
Karla Painter, Esq.
Board of Pardons and Parole
MWP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division